

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 3406 OF 2004

Atmaram Dattaram Kurle.. Applicant.

Versus

Nandkishor Digamber Vargaonkar & Ors....Respondents.

Mr. Anilkumar Patil for the Applicant.

Mr. U. V. Nikam, APP for the State.

CORAM : NARESH H. PATIL, J.

DATED : 28TH JULY, 2006.

P.C.:

Heard.

2. The original complainant - Atmaram Dattaram Kurle, has preferred this criminal application under Section 482 of the Criminal Procedure Code. The applicant had filed criminal complaint which was registered as Complaint No. 220 of 1993 in the Court of Judicial Magistrate, First Class, Thane. The trial court by order dated 24th November, 1993 issued process for offences punishable under Sections 120-B, 323, 341, 352, 408, 409 506(II) r/w 34, 109 and 114 of the

Indian Penal Code. By order dated 5th February, 2003 the Judicial Magistrate discharged the accused at the stage of framing of charge. The applicant preferred a revision before the Sessions Court bearing Criminal Revision Application No.37 of 2003 which came to be dismissed by the 3rd Additional Sessions Judge, Thane vide judgment and order dated 17th March, 2004.

3. Advocate for the applicant submits that one of the partner of the firm opened separate account in the name of the firm and operated the same as proprietary concern. The amount belonging to the firm was used by the said partner which ought to have been utilised by the firm. The trial court and the revisional court after considering the facts of the case and the submissions, discharged the accused.

4. Considering the provisions of Section 405 of the Indian Penal Code and in view of the facts of the case and the allegations made by the applicant, I do not find that the impugned orders are erroneous for causing interference in exercise of inherent jurisdiction of this Court. The application is devoid of merits and stands rejected.

Sd/-

(NARESH H. PATIL, J.)